COUNTY COMMISSION MEETING

JANUARY 6, 1997

1.	Call to order, Invocation, Roll Call
2.	Request addendum to agenda
3.	Addendum to agenda approved
4.	Request to delete item from agenda
5.	Agenda adopted
6.	Minutes of December 2 nd & December 16 th approved with an addendum to December 2 nd
7.	Audience comments on items not on the agenda
8.	Audience comments on items on the agenda
9.	Mr. Miller, County Executive
10.	Resolution approved for purchase & renovation of Old National Guard Armory
11.	Update on old Rock Quarry
12.	Resolution honoring Ralph Wear
13.	Commissioner Randolph speaks regarding Quarry
14.	Resolution adopted for School Board to borrow \$2,700,000
15.	Commissioner Bivens voices concerns
16.	County Bond rating discussed
17.	Request for reduction in speed limit on Hwy 11
18.	Juvenile Center additions tabled until February
19.	Commission Bivens speaks regarding Solid Waste Contract
20.	Commission Bivens speaks regarding administrative costs of LCSWDC
21.	Commissioner Bivers speaks regarding possible breach of contract
22.	Commissioner Bivens speaks regarding Landfill Committee
23.	Request to schedule landfill on workshop agenda
24.	Breach of contract discussed
25.	Commissioner Twiggs speaks regarding notices to be sent for workshop
26.	Commissioner Twiggs request letter to be sent to Waste Management
27.	Mr. Luttrell speaks regarding Mr. Aaron Deweese
28.	Nancy Richesin reports that the School Board has volunteered to pay for the renovations to

the Old National Guard Armory.

- 29. Resolution approved to transfer \$200,000 from Debt Service Funds to Hwy Dept.
- 30. Building Commissioners Report
- 31. Purchasing Agent Report
- 32. Notaries Approved

COUNTY COMMISSION MEETING

JANUARY 6, 1997

(1) Call to order, Roll Call, Invocation

Be it remembered that the Loudon County Legislative Body met in regular session on January 6, 1997 at the Loudon County Courthouse Annex, with the Chairman Roy Bledsoe presiding. County Court Clerk Riley D. Wampler and County Executive George Miller were present. Court Clerk Riley Wampler opened Court and led the Pledge of Allegiance. Hank McGhee gave the Invocation. On Roll Call the following Commissioners were present:

Bivens

Masingo

Duff

Randolph

Park

Maples

Bledsoe

Ledbetter

Commissioner Twiggs was absent at roll call, however, he arrived at

6:40pm.

(2) Request addendum to agenda

Commissioner Park asked to make an addendum to the agenda. He wanted Mr. Miller, on behalf of the County, to write a letter asking the State to reduce the speed limit from 50mph to 45mph from the city limits of Lenoir City to the county line on Highway 11.

(3) Addendum to agenda approved

Commissioner Duff made the motion to add Commissioner Park's recommendation to the agenda making it an agenda item tonight. Commissioner Ledbetter seconded the motion. Motion unanimously carried

(4) Request to delete item from agenda

Commissioner Randolph requested agenda item 7-B(d), "Resolution Prohibiting Litter & Dumping", be removed. He said it would be considered at a later date.

(5) Agenda adopted

Commissioner Bivens made a motion to adopt the proposed agenda with the addendum and deletion. Commissioner Park seconded the motion. Motion unanimously carried.

(6) Minutes approved with addendum to Dec. 2^{ad}

Commissioner Park made a motion to approve the minutes of County Commission Meetings of December 2, 1996 and December 16, 1996. Commissioner Randolph seconded the motion. Commissioner Bivens requested that the time change for the meetings from 7:00pm to 6:00pm be reflected in the December 2, 1996 meeting minutes. She stated this was the reason for the negative votes and she would like that included in the minutes. No objections were voiced for this being added to the minutes. Motion unanimously carried.

(7)
Audience
comments on
items not on
agenda,
Mr. John
Robert
speaks

Chairman Bledsoe asked if anyone had comments on any item on the agenda. Mr. John Roberts came forward to speak regarding the Waste Commission. He stated he attended a meeting to address the Solid Waste Commission on a contract issue and to ask them to hold off on any contract signing until it could be determined if the contract was legal. He said he sat through the meeting and then asked for permission to speak. Commissioner Tolbert refused to allow him the floor. He feels that any citizen should be allowed a voice to express their opinion in any public meeting. He stated he felt that the Solid Waste Commission should be investigated for refusing a citizen to speak at a public meeting.

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(8)
Audience
comments on
items on the
agenda,
Mr. Dan
Bell speaks

Chairman Bledsoe asked if anyone had comments on any item not on the agenda. Mr. Dan Bell from the Daily Digest came forward asking why the December 16, 19 as not announced. He said it was the first meeting that he did not receive advance notice. Mr. Miller assured Mr. Bell that the meeting was properly announced. He requested to be personally notified of all future meetings.

Chairman Bledsoe thanked Commissioner Maples for chairing the December 2, 1996 meeting while he was out.

(9) Mr. Miller

Mr. Miller, County Executive had the items:

(10)
Resolution
for the
purchase &
renovation
of the Old
Nat. Guard
Armory

Mr. Miller read a proposed Resolution for the Purchase and Renovation of The Old National Guard Armory. The purchase price is \$43,000 while renovations are proposed to cost no more than \$45,000. A motion was made by Commissioner Randolph to adopt this resolution. Commissioner Duff seconded the motion. Results of Roll Call:

Duff

Park

Twiggs

yes

yes

yes

(11) Old Rock Quarry update Mr. Miller reported on the progress of the illegal dump site known as the Old Rock Quarry. He talked of his meeting with Rick Brown of Tennessee Department of Environment and Conservation and how he explained the situation to him. He obtained Mr. Brown's permission to revise a remedial plan. This plan has been submitted and accepted. The resumption of activity to correct the problem will occur in the spring due to the extension of the deadline to June 30, 1997.

(12) Resolution honoring Ralph Wear Mr. Miller stated a resolution honoring Ralph Wear had been prepared for consideration of adoption. Commissioner Park made the motion to adopt the resolution. Commissioner Randolph seconded the motion. Voice vote indicated all in favor. Motion carried. Mr. Miller presented the resolution to Mr. Wear. Mr. Wear thanked the Commission for the resolution and said he considered it an honor to serve the citizens of Loudon County. Resolution # O County. Exhibit #_______

(13) Comm. Randolph speaks re: Ouarry

Commissioner Randolph asked to speak regarding the Old Rock Quarry. He asked if after all necessary violations are corrected, could the quarry be turned into Class 4 landfill? Mr. Miller stated that was the goal we were working toward. It was noted that this subject was not an agenda item and Chairman Bledsoe suggested moving on to the next item on the agenda.

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(14)
Resolutions
adopted for
County to
borrow
\$2,700,000
for school
projects

Commissioner Park made a motion to adopt the resolutions authorizing Loudon County to borrow 2.7 million dollars for school renovations and/or additions. Resolution #1 is "INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY LOUDON COUNTY, TENNESSEE, OF NOT TO EXCEED \$2,700,000 BY THE EXECUTION WITH THE PUBLIC BUILDING AUTHORITY OF THE COUNTY OF MONTGOMERY, TENNESSSEE, OF A LOAN AGREEMENT OR OTHER INSTRUMENT EVIDENCING SUCH INDEBTEDNESS, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO. Resolution #2 is "A RESOLUTION TO APPROVE A LOAN AGREEMENT FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE CERTAIN PUBLIC WORKS PROJECTS FOR LOUDON COUNTY, TENNESSEE. Commissioner Randolph seconded the motion.

Results of Roll Call:

Bivens	abstain	Masingo	yes	Duff	yes	
Randolph yes		Ledbetter	yes	Park	yes	
Bledsoe		Maples	yes	Twiggs	yes	
8yes, 1—abstain Motion passed.						
8yes, 1—abstain Motion passed. Resolution # O 1 6 97, Exhibit #						

(15)
Comm. Bivens
voices concerns

Commissioner Bivens voiced concern that the resolutions were too general. Nowhere in the resolutions did it specify the schools that were to receive the benefits from this loan. Nancy Richesin, Loudon County Budget and Accounts Director and Hank McGhee, Loudon County Schools were available and answered questions.

(16) County Bond Rating

Commissioner Bivens also raised the question as to the County's Bond rating. Mr. Miller gave documentation showing that Loudon County had a rating of 'A' which is the highest bond rating available for a county our size without the purchase of additional insurance.

(17) Request for reduction in speed limit on Hwy. 11

Commissioner Park made a motion that the County Executive make a request to the State for a reduction in the speed limit from 50mph to 45 mph from Lenoir City city limits to the county line on Highway 11. Motion seconded by Commissioner Duff. Motion carried unanimously.

(18)
Juvenile
Center
additions

Commissioner Duff requested on behalf of the Capital Projects Committee that the additions to the Juvenile Center be tabled until the February meeting.

(19) Comm. Bivens speaks re: Solid Waste Contract Commissioner Bivens spoke regarding the contract dealing with solid waste. She questioned the contract with Waste Management. She stated that Waste Management was awarded the contract to pickup and haul county waste from the county building and the schools to the Matlock Bend landfill. It was brought to her attention that they hauled waste to Chestnut Ridge landfill in Knox County. No tonnage report can be found in Mr. Luttrell's office, Central Accounting nor from Beth Burklin to reflect how many tons were diverted. She stated the contract was awarded based on a flat fee for hauling. The stated the contract was awarded based on a flat fee for hauling. The error has cost the county double because we paid for it to be hauled and then we paid the put or pay provision. Since the bid is a flat fee, the company could have theoretically made a profit but we don't have a system of record to know for sure. Mr. Luttrell has since this incident corrected the problem and will be able to provide future tonnage reports.

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(20)Comm. Bivens speaks re: costs of the **LCSWDC**

A second concern noted by Commissioner Bivens is the administrative cost of Loudon County solid Waste Disposal Commission. A resolution prepared by Attorney Sproul and adopted by the county commission on administrative October 4, 1993, and later reflected in the state plan makes Loudon County the fiscal agent of the Solid Waste Commission. This resolution authorizes the County Executive to negotiate and execute a contract or agreement for the landfill commission. A majority of the Solid Waste Commission asked Mr. Miller to release them from the contract he had signed with Ms. Burklin and allow them to sign a new contract. A contract of \$18,000 per year is being paid for a job that should only require approximately 40 hours of work per month. This averages out at an hourly rate of \$37.50. Commissioner Bivens asked that County Attorney Sproul express the legalities involved in changing the existing resolution. The county is cutting invoices and handling the administrative work and no extra pay is given to the county employees from the Solid Waste Commission.

(21) Comm. Bivens speaks re: possible breach of contract

Commissioner Bivens further stated that she felt the county needed to determine if there had been a breach of contract. When Santek entered their bid, they agreed to develop a Class 4 site, to provide an affordable dumping area for brush and other non-hazardous debris. Commissioner Bivens stated how it has been suggested many times that we as a county might save money by exercising the bail out clause now rather than continuing its present course.

(22) speaks re: Landfill Committee

Commissioner Bivens told of how Mr. Miller appointed a committee months ago to look into these and other landfill issues. That committee has Comm. Bivens failed to make any recommendations. Commissioner Bivens said she contacted the Chair, Barry Baker to see if he had any idea when they would be able to make a recommendation. He indicated that as far as he was concerned it was a landfill problem.

(23)Schedule landfill questions on workshop agenda

Commissioner Bivens moved that a special workshop be held to address the options the county commission can take. Commissioner Park suggested it be placed on the next regular workshop agenda and not hold a special workshop. He said it needed to be discussed from a legal view. Commissioner Bivens withdrew her motion.

(24) **Breach of** contract

Commissioner Twiggs asked Commissioner Bivens if she had proof that a breach of contract had occurred in the hauling of waste. She stated that Mr. Aaron Deweese brought it to her and Mr. Luttrell's attention indicating that they had a new employee or boss in Atlanta or something to that effect. Mr. Deweese stated that this person did not know about the agreement. Commissioner Bivens said she was not saying this was purposely done, she didn't know, but it was estimated this occurred for a period of three weeks. She said the problem is believed to be corrected. They are currently hauling back to the landfill. The impact shows the tonnage back up for December. Commissioner Bivens said this should be used as an example to show how it would be helpful if we had the waste issues under some common umbrella, so that contracts could be written in such a way that it wouldn't impact or breach other contracts. A motion was made by Commissioner Twiggs to have these items at our next workshop to address issues regarding solid waste. Also included in the motion was that a personal invitation, a copy of the minutes, and a copy of the workshop agenda be sent to Beth Burklin, City of Loudon, City of Lenoir City, Waste Management, Santek and the Solid Waste Commission.

(25)Motion re: invitations to workshop

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Motion seconded by Commissioner Ledbetter.

Results of Roll Call:

Bivens yes Masingo Duff yes yes Randolph yes Park Ledbetter yes yes Maples Bledsoe yes **Twiggs** yes yes 9 -- yes. Motion carried.

(26)

Comm. Twiggs request letter be sent to Waste Mgmt

Commissioner Twiggs asked that Mr. Howard Luttrell, Loudon County Purchasing Director write Waste Management a letter regarding possible breach of contract and the need to conform to all parts of the contract.

(27) Mr. Luttrell speaks re: Mr. Deweese

Mr. Luttrell spoke stating that approximately 3 to 4 weeks ago he received a call from Aaron Deweese stating he hadn't seen any trucks lately. He told him he would check on it. While he was checking, Mr. Deweese called him back stating the waste was taken to Chestnut Ridge in Knox County. Mr. Luttrell said the waste was supposed to roll here and it is now rolling here again.

(28)
Nancy
Richesin
School Bd
to pay for
Armory
Bldg Repairs

Mrs. Nancy Richesin, Director of Budgets and Accounts gave a report on the intent of the Loudon County School Board to pay the cost of repairs to the Old National Guard Armory. It has not been voted on yet but is scheduled on the agenda at their next meeting.

(29)
Resolution
transfer of
\$200,000 from
Debt Service
Funds to
Hwy Dept

Mrs. Richesin requested that a resolution authorizing the transfer of \$200,000 from Funds 151 and 156, General Debt Service and Rural Debt Service to Fund 131, Loudon County Highway Department be adopted. The Highway Department is experiencing a shortage of cash flow funds and is in need of the money to meet its operational expenses. Motion made by Commissioner Randolph and seconded by Commissioner Park.

Results of Roll Call:

Bivens yes Masingo Duff yes yes Randolph yes Ledbetter Park yes yes Bledsoe yes Maples yes Twiggs yes

9 -- yes. Motion carried.

Resolution #0 (697, Exhibit #

(30)
Building
Comm.
Report

Mr. Doug Lawrence, Loudon County Building Commissioner gave the following reports:

December 1996 Totals

Permits issued 36 t Est. Value: \$2,159,000.00 Amount collected \$3,459.00 New taxes: \$14,000.00

1996 Totals

Permits issued 575 Est. Value: \$29,975,720.00 Amount collected \$52,347.80 New taxes: \$198,234.00

(31) Purchasing Agent Report

Loudon County Purchasing Agent, Mr. Howard Luttrell handed out a maintenance report for December showing the totals of work orders.

(32) Notaries Approved Commissioner Masingo made the motion the following Notaries be approved with Commissioner Twiggs seconding the Motion:

Daniel Lee Barnett

Susan A. Hammond Doyle Eugene Arp

Nancy S. Richesin

Sheila G. Flanagan

Susan T. Moss

Motion unanimously carried.

Page 6, County Commission Meeting, January 6, 1997

Motion to adjourn at 8.05 p.m. made by Commissioner Twiggs with Commissioner Maptes seconding the motion. Motion unanimously carried.

(33) Adjournment

Kry Bledo

County Court Clerk

Gounty Executive



Loudon County Tennessee

Resolution No. 04697

FOR PURCHASE AND RENOVATION OF THE OLD NATIONAL GUARD ARMORY

WHEREAS, Loudon County is in need of maintenance facilities and storage space; and

WHEREAS, Lenoir City by intergovernmental agreement has a financial interest in said property; and

WHEREAS, a committee of council members appointed by the Mayor of Lenoir City has recommended the sale of their interest in said property to Loudon County for \$43,000; and

WHEREAS, the Capital Projects Committee and the Budget Committee have recommended the purchase of Lenoir City's interest in said property; and

WHEREAS, repairs and improvements to said properties are estimated to be \$40,000 to \$45,000; and

WHEREAS, funding for said purchase and repairs would be available from the General Capital Projects Fund.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, meeting in regular session assembled this 6th day of January, 1997, that the County Executive be authorized to consummate purchase of said property at the offered price and the Budget Director be authorized to issue payment for purchase and payments for repairs not to exceed an amount of \$45,000.

George M. Miller, County Executive

Riley D. Wampler, Court Clerk

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Loudon County Tennessee

Resolution

HONORING

RALPH WEAR

FOR 36 YEARS OF PUBLIC SERVICE

WHEREAS, Ralph Wear served thirty-four years in public service for the County of Loudon; and

WHEREAS, he served eight years as Deputy Clerk for Circuit and Criminal Courts operating the General Sessions Court Clerk's Office; and

WHEREAS, Ralph Wear served the last twenty-six years as Loudon County Registrar of Deeds; and

WHEREAS, as a result of his dedicated service, the Registrar of Deeds office has become more efficient by the implementation of a better map storage and indexing system; and

WHEREAS, Ralph Wear prepared and implemented the map and document recording system for the Tellico Village Development that consists of four thousand six hundred acres; and

WHEREAS, in public service, he has always been dedicated, dependable and available to the citizens of Loudon County; and

WHEREAS, Ralph Wear serves as a member in the Loudon County Republican Party. He has served as President, Vice-President and Secretary during his membership in the Loudon Rotary Club. He has been a member of Blairland Baptist Church in Loudon for thirty-four years and currently serves as a Deacon and Sunday School Teacher.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, meeting in regular session assembled this 6th day of January, 1997, that we honor Ralph Wear and express appreciation for his years of dedicated public service.

George M. Miller, County Executive

ATTEST:

Riley D. Wampler, Court Clerk

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RESOLUTION NO. 01697

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY LOUDON COUNTY, TENNESSEE, OF NOT TO EXCEED \$2,700,000, BY THE EXECUTION WITH THE PUBLIC BUILDING AUTHORITY OF THE COUNTY OF MONTGOMERY, TENNESSEE, OF A LOAN AGREEMENT OR OTHER INSTRUMENT EVIDENCING SUCH INDEBTEDNESS, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

WHEREAS, it is necessary and in the public interest of Loudon County, Tennessee (the "County"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the County of Montgomery, Tennessee (the "Authority"), of a loan agreement or other instrument evidencing such Indebtedness (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described, and to pay legal, fiscal, administrative, and engineering costs, and costs incident to the financing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LOUDON COUNTY, TENNESSEE, AS FOLLOWS:

SECTION 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of the acquisition, construction, renovation, improvement, and equipping of schools for the County, the acquisition of all property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto, and costs incident to incurring the Indebtedness (collectively, the "Project"), the County is hereby authorized to incur Indebtedness in the amount of not to exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. Principal of, premium, if any, and interest on, the Loan Agreement shall be payable from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County will be irrevocably pledged.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

<u>SECTION 4</u>. After the adoption of this Resolution, the County Clerk is directed to cause this Resolution, with the notice prescribed by the Act in the form set forth below, to be published in full once in a newspaper published and having general circulation in the County.

Exlit: C

275

<u>SECTION 5</u>. This Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

Adopted and approved this 641 day of muary, 1997.

COUNTY/EXECUTIVE

ATTEST:

COUNTY CLERK

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of Loudon County, Tennessee, shall have been filed with the County Clerk of Loudon County, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE) COUNTY OF LOUDON)

I, Riley Wampler , hereby certify that I am the duly qualified and acting County Clerk of Loudon County, Tennessee (the "County"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said County held on January 6th , 1997; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$2,700,000 by said County; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.
WITNESS my official signature and the seal of said County this day of, 1997.
County Clerk
(SEAL)

2- films



Loudon County Tennessee

Resolution

TO TRANSFER \$200,000 FROM FUNDS 151 AND 156 TO FUND 131

WHEREAS, Loudon County Highway Department is experiencing a shortage of cash flow funds and needs \$200,000 to meet its operational expenses; and

WHEREAS, cash is available from funds 151 and 156 General Debt Service and Rural Debt Service for a short-term loan; and

WHEREAS, Loudon County Highway Department agrees to pledge \$200,000 of State Revenue for the repayment of said transfer in equal monthly payments beginning December 31, 1996 and ending on or before June 30, 1997 (repayment in full of \$200,000); and

WHEREAS, the Loudon County Budget Committee approved this transaction on November 26, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, meeting in regular session assembled this 6th day of January, 1997, that the transfer be approved and a copy of this resolution be spread upon the minutes.

George M. Miller, County Executive

Riley D. Wampler, Court Clerk

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